

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No.: 19-10080-NMG
)	
GAMAL ABDELAZIZ <i>et al.</i> ,)	MOTION FOR LEAVE TO FILE UNDER
)	SEAL GRANTED [DKT. 2179]
Defendants)	

GOVERNMENT’S MOTION TO STRIKE JUROR FOR CAUSE

The government respectfully renews its motion to strike Juror 18 for cause.

Pursuant to 28 U.S.C. § 1865(b)(5), a potential juror is not qualified to serve if that individual “has been convicted in a State or Federal court of record of, a crime punishable by imprisonment for more than one year and his civil rights have not been restored.” Juror 18 has been convicted of at least three offenses punishable by more than one year in prison. In 1992, he was convicted of larceny greater than \$250, in violation of M.G.L. Ch. 266 § 30, which is punishable by up to 2.5 years in prison. He was sentenced to one year probation, which he violated. *See* Exhibit A, attached hereto. Juror 18 was also convicted three times of operating under the influence, once in 2016, and twice in 2019. *See id.* Each of those offenses is punishable by up to 2.5 years imprisonment. M.G.L. Ch. 90 § 24. The latter two convictions were consolidated, and Juror 18 was sentenced to one year in prison, and ordered to serve 26 days, with the balance of the sentence suspended. *Id.*

During voir dire yesterday, Juror 18 denied having been convicted of larceny, but acknowledged at least two OUI convictions. However, his criminal history report includes the OUI convictions he acknowledged, along with the larceny conviction he did not. In any event, based on his acknowledged convictions, Juror 18 is legally unqualified to serve as a juror in this

case. *See United States v. Foxworth*, 599 F.2d 1, 4 (1st Cir. 1979); *United States v. Uribe*, 890 F.2d 554, 561 (1st Cir. 1989); *United States v. Caron*, 941 F. Supp. 238, 255 (D. Mass. 1996).

For the foregoing reasons, the government respectfully requests that Juror 18 be struck for cause. The defendants, through counsel, have indicated that they object to this motion.

Respectfully submitted,

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Acting United States Attorney

By: /s/ Stephen E. Frank
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CERTIFICATE OF SERVICE

I hereby certify that this document will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: September 10, 2021

/s/ Stephen E. Frank
STEPHEN E. FRANK